HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1011 OF 2005

Smt. Renu Janakram Chaurasiay. ..Appellant.

Versus.

Bombay Municipal Corporation
of Greater Bombay & Anr. ..Respondents.

Shri. Asif Ali Siddiquie for the Appellants.

Geetanjali Joglekar for the respondent - BMC.

CORAM: DR.D.Y. CHANDRACHUD J.

DATE : DECEMBER 6, 2005.

P.C.

1. The appellant has challenged the order of the trial court declining interim relief. The Notice of motion is still pending. It is hence not appropriate to enter upon a detailed evaluation of the facts, save and except, in sofar as the correctness of the order declining ad-interim relief is concerned. Prima facie, the report of the Court Commissioner would show that the stall was a new stall, which was reconstructed recently. The Municipal Corporation in its affidavit-in-reply had noted the fact that the stall had been unauthorisedly put up on a minor nalla without the permission of the Municipal Corporation and was removed on 31st August 2005. The Commissioner has also in his report noted that

the stall was installed on a gutter cement line. Hence without expressing any final or conclusive opinion on the merits of the case, and since the main dispute is still pending, and the trial is yet to take place, no case for interference with the refusal of ad-interim relief is made out. The Appeal from Order is dismissed.

(DR. D.Y. CHANDRACHUD J.)